

March 6, 2008

Magistrate Robert M. Levy
US District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

RE: Attard v. Board of Education of New York City, 05 cv 2129

Dear Judge Levy:

This pertains again to the sanctions motion pending for which the City's response was due Monday and my reply Friday. Yesterday you extended my reply deadline to Monday because Ms. Switzer did not served me with a complete response to the sanctions motion. You can check ecf and see that her papers were not transmitted completely – the letter is cut off after the first page. Despite the legend on Ms. Switzer's letter she did not cc the paper to me by fax.

It is now 24 hours since I brought to Ms. Switzer's attention her failure to serve me with papers. I still don't have them. It has been three hours since I called Ms. and left a voicemail that she needed to send them immediately or I would contact the Court. I have not heard from her. Since I had intended to use this afternoon to write a reply, and must leave the office early, another day is wasted.

Since Ms. Switzer's inability to comply with deadlines and legitimate expectaionsx is what this second sanctions motion is all about, I would ask that you grant the sanctions motion immediately as unopposed. Manifestly, if I have not been given a complete response, therefore it is improper for you to consider what she has given you. In a case where there have already been sanctions and Ms. Switzer is incapapable of living up to legitimate expectations pertaining to discovery in federal court, has to be spoon fed, and has occasioned so many delays, it is time to say enough is enough. I ask that the sanctions motion be granted as unopposed.

Sincerely,

/s/

Gregory Antollino

Cc: Cindy Switzer